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Equality of Opportunity and Freedom from Discrimination

A past life in El Salvador

My name is Elizabeth Flores.

I was born and lived in Santa Ana, El Salvador. I came to Canada as a refugee seven years ago.

In 1980, while visiting my mother, a neighbour telephoned me to come home. My husband had been shot and was dead. My mother and I went to my home, where we found him. I never knew who did this. It was a time of civil war and he was a lawyer working for both sides. It was a dangerous time in El Salvador and I was advised by my friends to leave Santa Ana.

Elizabeth Flores and her daughter at their Citizenship Ceremony in Winnipeg, December, 2007.

I moved to San Salvador where I worked for the Government of El Salvador at the Human Rights Commission. This Commission was unlike any in Canada. As an intake officer and investigator, I looked into complaints about people who were missing or killed. Family members would come to our office hoping to find them. They would tell me that the police or people with masks took their loved ones. As an intake worker I would take down information about the missing person, including special marks or tattoos. This would help identify anyone should they be found.

As an investigator, the first thing I would do in my search for the "missing" was to go to the offices of the Security Team, which was a police station where people could be detained for up to 10 days. Next I went to hospitals. I remember once finding a missing man in a hospital. The next day he was gone. A month later I found out that he had been murdered. I subsequently discovered that he was not the person the killers thought he was. He had been killed by mistake.

In 1995 I was working for the Supreme Court of Justice. My work involved compiling evidence and preparing documents about those accused of a crime. I wrote reports and made recommendations based on the merits of each case. A judge then decided, based on my report, if the person should be detained or released. A Superior Judge made the final decision.

Even though the civil war was over, El Salvador remained a dangerous place. In 1998 two of my uncles were victims of a kidnapping attempt and sadly, one died. Next my father was attacked. He was shot three times and left for dead.

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The Rights Connection
by Jerry Woods - Chairperson

Not all commissions are the same

Human rights laws are complex and efforts to simplify them can be confusing. Recent generalizations have misled the public into thinking that all provincial and federal human rights statutes are the same. They are not.

An example is the renewed interest in anti-hate speech legislation stemming from at least two human rights cases. In Alberta, publisher Ezra Levant was accused of promoting racial hatred by reprinting cartoons of the Prophet Mohammed. The complaint was dropped earlier this month. Complaints also have been filed with the Canadian Human Rights Commission and provincial human rights tribunals in Ontario and British Columbia regarding an article written by Mark Steyn about Islamic fundamentalism and printed in McLean's Magazine. Both these cases reveal a dynamic tension between anti-hate speech legislation and freedom of expression.

Unlike British Columbia, Saskatchewan and Alberta, Manitoba's current Human Rights Code does not have "anti-hate speech" provisions. In this province, The Code has a much narrower focus. It prohibits the publishing, broadcasting, circulating or publicly displaying signs and statements that discriminate or advocate discrimination in an activity to which The Code applies. During a Commission round table discussion on the topic of hate speech, some participants passionately believed that The Code needs to be strengthened, while others feared an infringement of freedom of expression.

Some of the recent, more vocal opponents of anti-hate speech legislation have also criticized human rights tribunals. Although the Manitoba Commission has an excellent track record of mediating mutually acceptable resolutions, a small fraction of the complaints do end up at a hearing. At this time an independent adjudicator, appointed by the government, hears both sides, reviews the evidence and writes a decision, based in law. If either party is unhappy with the outcome, a judicial review process can take place. A court of Queen's Bench Justice determines if there has been an error in law or jurisdiction.

Everyone is entitled to cast a critical eye on existing laws and processes, but it is also important to first know what provisions exist in Manitoba and how they differ from other provinces.

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Once it was discovered that he survived, he received threatening phone calls. They told him they knew everything about his family and where I lived. My father died on July 5, 2000.

In March 2001 the government announced that it was taking action against the violent gangs, and many members were arrested. Some were incarcerated while others remained free and targeted those who put their fellow gang members in jail.

I knew my job made me vulnerable and I was concerned about my two daughters. One of my last cases involved the same gang that was responsible for the shooting of my father and the kidnapping of my uncles. Some members were charged with the assault, violation and assassination of a 13 year old girl. Her mother had told me everything that had happened to her child. Members of the gang found out that I was working on the case and I started to receive threatening phone calls. The caller was a man and he said that for my well being, the accused should be set free.

It was time for me to leave El Salvador. My older daughter went to Spain, while I and my younger daughter, came to Canada. My daughter and I became Canadian citizens in December 2007. My mother and brother remain in El Salvador. I contact them as often as I can.

Elizabeth Flores is working with the Commission as part of the Careers Gateway Program

Commission intervenes in Supreme Court of Canada landmark case

On February 20, 2008, the Manitoba Human Rights Commission intervened at the Supreme Court of Canada. The Commission's Legal Counsel Sarah Lugtig presented oral arguments in Honda v. Keays, a case involving a long and bitter struggle between Honda Canada and an employee who worked in an Ontario plant, and suffered from chronic fatigue syndrome. Corporate managers, human rights commissions and insurance companies are eagerly waiting for the final ruling. The Supreme Court will decide whether or not to uphold a $500,000 award for damages to Mr. Keays. This is one of the largest awards ever in Canada but was reduced to $100,000 on appeal. This case may also have an impact on the role of human rights commissions in today's society. The Commission was one of nine interveners who were given permission to address the court.

Minority rights and the legacy of Louis Riel

In Manitoba a new Statutory Holiday during the often cold, frequently unpredictable, and fortunately short month of February, bears the name of Louis Riel. It is a holiday for some, but more importantly it is a chance to reflect on the legacy he left to this province and country.

Most of us know the story of Riel's life; he was born in the Red River settlement, the son of a Métis leader and a French Canadian mother. The Manitoba Métis were concerned by Canada's plans to annex the Hudson Bay Company lands and feared losing traditional livelihoods. In 1869, when the Government of Canada began a land survey, Riel formed a militia and turned back the surveyors. He began the Red River Resistance and established a provisional government. Over the following years Riel presented Canada with a Bill of Rights that would later become the Manitoba Act. The Act established Manitoba as a province and provided some protection for French language rights.

While his provisional government negotiated with Canada Riel allowed the execution of Thomas Scott, a man who had challenged the provisional government. This action provoked a storm of English-French hostility in central Canada. Riel was exiled to the United States, but returned to Canada to take part in the Northwest Rebellion. He was hanged for treason in 1885.

No doubt Riel was an undisputed spiritual and political leader and we now call him the Father of Manitoba, and a hero for working towards western rights and the rights of his people. Sometimes we forget that his contribution goes even further. He helped to lay the framework for minority rights, and as a result, for cultural cooperation in this country.

International Women's Day 2008

Celebrating Inspiring Women
Friday March 7, 2008
11:30am - 1:00 pm
Legislative Building
A light lunch is provided
Official proceedings begin at 12:15 in Room 200
RSVP to Manitoba Women's Advisory Council
Call: 945-6281 or 1-800-282-8069 (ext 6281)
Email: 001women@gov.mb.ca